

R315. Environmental Quality, Solid and Hazardous Waste.

R315-317. Other Processes, Variances, ~~[and]~~Violations, and Petition for Rule Change.

R315-317-2. Variances.

(1) Variances will be granted by the Board only to the extent allowed under Federal law.

(2) Any owner or operator of a solid waste facility may apply to the Board for a variance from any portion of Rules R315-301 through 320 except as specified in Subsection R315-317-2(1). The application shall be accompanied by such information as the Executive Secretary may require. All applications for a variance shall be subject to the public comment requirements of Subsection R315-311-3. The Board may grant such variance, if it finds that:

(a) the solid waste handling practices or location do not endanger ~~[public]~~human health~~[, safety,]~~ or the environment; and

(b) the application of, or compliance with, any requirement of Rules R315-301 through 320 would cause undue or unreasonable hardship to any person; and

(c) circumstances of the solid waste disposal site location, operating procedures, or other conditions indicate that the purpose and intent of Rules R315-301 through 320 as well as other state and federal regulations can be achieved without strict adherence to all of the requirements.

(3) If a variance is granted by the Board under Section R315-317-2 for a period longer than one year, the variance shall contain a timetable for coming into compliance and shall be conditioned on adherence to that timetable.

R315-317-4. Petition for Rule Change.

(1) The requirements of Section R315-317-4 shall apply to a petition for:

- (a) making a new rule;
- (b) amending, repealing, or repealing and reenacting an existing rule;
- (c) amending a proposed rule;
- (d) allowing a proposed rule or change in proposed rule to lapse; or
- (e) any combination of the above.

(2) Petition Procedure and Form.

(a) The petition shall be addressed and delivered to the Executive Secretary.

(b) The petition shall follow the requirements of Rule R15-2-3 through 5. follow the requirements of Rule R15-2-3 through 5.

Adds section that explains the procedure to petition the Executive Secretary for a rule change

KEY: solid waste management, waste disposal

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